

U.S.S.N. 10/073,402

Amendment dated December 30, 2004

Responsive to Office Action dated 11/03/2004

Page 4 of 6

REMARKS

Applicants have cancelled claims 13-14 without prejudice and in accordance with the response to the restriction requirement. Applicants have further cancelled claims 7 and 12. Applicants reserve the right to continue prosecution of the subject matter of any of the cancelled claims in any subsequently filed continuation, divisional or continuation-in-part application.

Applicants have amended claims 1-11 to refer to peptides. Support for this amendment can be found throughout the specification, for example, page 9, lines 6-13 and page 17, lines 31-32.

Applicants have amended claims 1 to include a citation to early diagnosis of inflammatory disease and correlation between the amount of chlorinated peptide and the early diagnosis of inflammatory disease. Support for this amendment can be found throughout the specification, for example, page 32, lines 28-31, and page 33, lines 1-8.

Claims 1, 2, 3-6, and 9-10 have further been amended to refer to a “bodily fluid sample” instead of “patient sample.” The phrase “bodily fluid sample” is supported, for example, on page 5, line 9.

Claims 3 and 8 have further been amended to refer to peptides containing the listed chlorinated groups. The amendment is a mere grammatical amendment and is supported by the original claims 3 and 8 and therefore does not introduce new matter.

Accordingly, applicants submit that all the afore listed amendments are supported by the specification and do not introduce new matter. Applicants respectfully request that the amendments be entered.

Turning now to the specific rejections.

Claims 1-11 were rejected under 35 U.S.C. 112, first paragraph.

Applicants respectfully disagree. However, to expedite prosecution, applicants have amended claims to recite to a method of early diagnosis of an inflammatory disease. Applicants respectfully submit that the discussion, for example, at pages 32 and 33 clearly indicates that the

U.S.S.N. 10/073,402

Amendment dated December 30, 2004

Responsive to Office Action dated 11/03/2004

Page 5 of 6

chlorinated peptides are a marker for early diagnosis of inflammatory diseases. This finding and conclusion is further supported and confirmed by the additional data produced by the inventors after filing the application. See, Exhibit A. Consequently, applicants respectfully submit that the claimed methods are supported by the data presented in the specification and the rejection under 112, first paragraph, should be withdrawn.

Claims 1-12 were rejected under 35 U.S.C. 112, second paragraph.

The examiner rejected claim 1 because it did not explicitly refer to the correlation between the amount of chlorinated peptide and the inflammatory disease. To expedite prosecution, applicants have amended claim 1 to refer to such correlation and therefore submit that the rejection should be withdrawn.

The examiner rejected claim 7 as incomplete for failing to state the correlation between the amount of chlorinated peptide and the course of any therapeutic agents. Applicants have cancelled claim 7, without prejudice, and therefore the rejection of it is rendered moot and should be withdrawn.

The examiner rejected claims 1-12 as indefinite with respect to recitation to "compound/peptide(s)." To expedite prosecution, applicants have amended claims 1-12 to recite to "chlorinated peptides." Applicants submit that the term clearly points to the matter being detected in the methods and therefore the rejection should be withdrawn.

The examiner rejected claim 1 because it recites "patient sample." Applicants have amended the claim to refer to "bodily fluids." This phrase is clearly defined in the specification and therefore, applicants submit that the rejection be withdrawn.

Therefore, applicants submit that the claims now comply with the 35 U.S.C. 112, second paragraph and the rejection should therefore be withdrawn.

Claim 12 was rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,538,852.

Applicants have cancelled claim 12, without prejudice, and therefore the rejection is rendered moot and should be withdrawn.

U.S.S.N. 10/073,402

Amendment dated December 30, 2004

Responsive to Office Action dated 11/03/2004

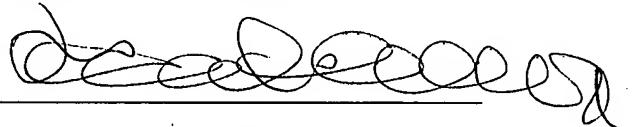
Page 6 of 6

Accordingly, in light of the amendments and the arguments presented above, applicants respectfully submit that the claims are now in condition for allowance. Early and favorable consideration is respectfully requested. Please contact the undersigned if further information is needed.

Applicants believe that no fees are currently due. However, in the event fees are needed in connection with this submission, the Commissioner is herewith authorized to charge fee deficiencies or credit overpayments associated with this submission to the NIXON PEABODY LLP Deposit Account No. 50-0850.

Date: 12/28, 2004

Respectfully submitted,



David S. Resnick (Reg. No. 34,235)
Leena H. Karttunen (37 CFR 10.9(b))
NIXON PEABODY LLP
100 Summer Street
Boston, MA 02110-2131
Tel: (617) 345-6057/1370
Fax: (617) 345-1300